

1 Andrew V. Stearns, Esq. SBN 164849
2 Steven M. Berki, Esq. SBN 245426
2 **BUSTAMANTE, O'HARA & GAGLIASSO**
3 River Park Tower
3 333 W. San Carlos St., 8th Floor
4 San Jose, California 95110
4 Telephone: (408) 977-1911
5 astearns@boglawyers.com
5 sberki@boglawyers.com

6 M. Jeffery Kallis, SBN 190028
7 **THE LAW FIRM OF KALLIS & ASSOCIATES, P.C.**
8 333 W. San Carlos St., 8th Floor
9 San Jose, CA 95110
Telephone: (408) 971-4655
Facsimile: (408) 971-4644
M_J_Kallis @Kallislaw.org

10 | Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

* * *

FRANCISCO VALDEZ, et al.) Case No.: C09-00176 RMW
Plaintiffs,)
vs.)
CITY OF SAN JOSE, et al.,) **AMENDED STIPULATION AND
PROPOSED ORDER GRANTING
BRIEFING SCHEDULE FO PLAINTIFFS
MOTION FOR CLASS CERTIFICATION.
[N.D. Civil Local Rule 6-1].**
Defendants.)
Date: August 26, 2011
Time: 9:00 a.m.
Ctrm: 3, 5th Floor
Judge: Hon. Jeremy Fogel

11

11

1 IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF
2 RECORD:

3 WHEREAS, by Order dated May 11, 2011 the Court granted the parties' Stipulation and
4 Proposed Order Granting Briefing Schedule for Plaintiffs' Motion for Class Certification. [ECF
5 Docket No. 71].

6 WHEREAS, the Parties have been diligent in coordinating all matters necessary for the
7 Motion for Class Certification, responsive pleadings and relevant documentation.

8 WHEREAS, Plaintiffs intend to file and serve the Motion for Class Certification by June
9 24, 2011 in conformance with the Court's Order. [ECF Docket No. 71].

10 WHEREAS, the Parties agree that after substantive review and cataloging of police
11 reports disclosed pursuant to discovery, numerous reports must be replaced in order to
12 effectively provide statistical evidence to the Court.

13 WHEREAS, both Counsels have conflicts that make filing by June 24, 2011, and
14 opposing by July 22, 2011 punitive and difficult.

15 WHEREAS, defendants are currently in settlement discussions for the consolidated
16 cases of *Cicala* and *Heiman* which the parties believe requires clarification from the Court
17 prior to proceeding with the Motion for Class Certification.

18 WHEREAS, the parties agree that allowing further time for filing and responding to
19 Plaintiffs' Motion for Class Certification will preserve the parties' and Court's resources and
20 further benefit the issues subject of the Motion for Class Certification.

21 WHEREAS, the parties agree to extend Plaintiffs' time to file the Motion for Class
22 Certification by forty-two (42) days from June 24, 2011 to August 5, 2011.

23 WHEREAS, the parties agree to extend Defendants' Opposition to the Motion for Class
24 Certification by forty-two (42) days from July 22, 2011 to September 2, 2011.

25 WHEREAS, the parties agree to extend Plaintiffs' time to file Reply, if any, to plaintiffs'
26 Motion by forty-two (42) days from August 12, 2011 to September 23, 2011.

1 WHEREAS, the parties agree to the hearing date for Plaintiffs' Motion for Class
2 Certification by forty-two (42) days from August 26, 2011 to October 7, 2011.

3 NOW THEREFORE, the parties hereby agree and stipulate that this matter and all filing
4 deadlines associated with it, as ordered through prior Stipulations, are hereby extended by
5 forty-two (42) days to resolve all procedural and substantive matters necessary to proceed
6 with the Motion for Class Certification as more fully described herein.

7

8

9

KALLIS & ASSOCIATES, P.C.

10

11

Dated: June 13, 2011

/S/
M. JEFFERY KALLIS, current co-
counsel for plaintiffs

12

13

14

15

BUSTAMANTE O'HARA &
GAGLIASSO, P.C.

16

17

Dated: June 13, 20101

/S/
ANDREW V. STEARNS
STEVEN M. BERKI, current co-counsel
for plaintiffs

18

19

20

21

OFFICE OF THE CITY ATTORNEY OF
SAN JOSE

22

23

Dated: June 13, 20101

/S/
CLIFF GREENBERG, counsel for
defendants

24

25

26

27

28

1
2 **GENERAL ORDER 45(X)(B) STATEMENT**
3

4 Pursuant to General Order No. 45(X)(b), I hereby attest that concurrence in the filing of
5 this document has been obtained from counsel for Defendant CITY OF SAN JOSE and
6 individual defendants, and that I have retained in my possession all signatures of counsel
7 subject to this stipulation.

8 By /S/
9 Andrew V. Stearns
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

-[PROPOSED] ORDER

The Court, having considered the parties' Stipulation, the documents and records on file with the court, and finding good cause therefore, hereby orders:

Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, August 5, 2011.

Defendants' Opposition to Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, September 2, 2011.

Plaintiffs' Reply in Support of Motion for Class Certification is to be filed by no later than Friday, September 23, 2011.

The hearing on Plaintiffs' Motion for Class Certification is set for Friday, October 7, 2011.

IT IS SO ORDERED.

Dated: 6/30/11

By:

Hon. Jeremy Fogel
United States District Court Judge